

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF CALIFORNIA**

PETER MICHAEL ARENA,

Plaintiff,

v.

CERVANTES, *et al.*,

Defendants.

Case No. 1:21-cv-00928-JLT-BAM (PC)

**ORDER DENYING PLAINTIFF’S REQUEST  
FOR GLOBAL SETTLEMENT  
CONFERENCE**

(ECF No. 55)

Plaintiff Peter Michael Arena (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Cervantes, Berlanga, Cerda-Jirano, Moreno, and Ceja for excessive force in violation of the Eighth Amendment.

On September 7, 2023, Plaintiff filed a motion requesting a settlement conference in this action and in another pending action, *Arena v. Navarro*, Case No. 1:20-cv-00617-BAM. (ECF No. 55.) The Court directed Defendants in both actions to respond to Plaintiff’s request, indicating whether Defendants are also willing to participate in a judicially-mediated settlement conference in either or both of the pending cases. (ECF No. 56.) Defendants filed a response on October 2, 2023, stating that informal settlement discussions with Plaintiff and counsel in *Arena v. Navarro* remain ongoing, appear to be making progress, and counsel is scheduled to speak with Plaintiff this week by telephone conference to continue informal settlement discussions. (ECF

No. 57.)

Without a clear indication from all parties to the action that they are willing to discuss settlement, the Court does not find that it would be an efficient use of judicial resources to set this case for a settlement conference at this time. The parties are reminded that they are free to settle this matter without judicial involvement at any time by communicating among themselves. If in the future the parties jointly decide that this action would benefit from a Court-facilitated settlement conference, or if they are able to reach an independent settlement agreement, they may so inform the Court.

Accordingly, Plaintiff's request for a settlement conference, (ECF No. 55), is HEREBY DENIED without prejudice.

IT IS SO ORDERED.

Dated: October 10, 2023

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE